

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIVO INC.,)	
)	
Plaintiff,)	Case No. 2:12-CV-311 JRG
)	
vs.)	
)	JURY TRIAL DEMANDED
CISCO SYSTEMS, INC., TIME WARNER)	
CABLE INC., and TIME WARNER CABLE)	
LLC,)	
)	
Defendants.)	
)	

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Plaintiff TiVo Inc. (“TiVo”) and Defendants Cisco Systems, Inc. (“Cisco”), Time Warner Cable Inc., and Time Warner Cable LLC (collectively “TWC”) (and collectively with Cisco, “Defendants”) submit this Joint Claim Construction Statement under P.R. 4-3.

P.R. 4-3(a) Agreed Constructions

Claims	Term, Phrase, or Clause	Agreed Construction
U.S. Patent No. 6,233,389		
1, 31	A process for the simultaneous storage and play back of multimedia data	The preamble does not limit claims 1 or 31.
32, 61	An apparatus for the simultaneous storage and play back of multimedia data	The preamble does not limit claims 32 or 61.
31, 61	accepts broadcast data	“accepts data that was transmitted”
31, 61	buffer	“memory where data can be temporarily stored for transfer”
31, 61	input device	Plain meaning

1, 32	accepting Television (TV) broadcast signals, wherein said TV signals are based on a multitude of standards	“accepting television (TV) broadcast signals, wherein said TV signals are based on numerous standards”
1, 32	tuning said TV signals to a specific program	“tuning said TV signals to a specified frequency range”
U.S. Patent No. 7,529,465		
1, 10	frame step	“moving frame-by-frame in a manner that is not a fast forward, rewind, or play function.”
1, 10	allows playback rate and direction of each multimedia program to be controlled individually and simultaneously to perform any of: fast forward, rewind, frame step, pause, and play functions	“is capable of changing the playback rate and direction of each multimedia program such that each program can be independently and simultaneously controlled to execute any of the following modes: fast-forward, rewind, frame-step, pause and play”
16	said tuners accept analog and/or digital multimedia program signals	“the input signal tuners may accept: 1) analog multimedia program signals, or 2) digital multimedia signals, or 3) both analog and digital multimedia signals”
1, 2, 10, 11	output subsystem	“a subsystem in the digital video recorder wherein the subsystem produces output signals”
U.S. Patent No. 6,792,195		
58	linear cache for storing information from said data stream	“a general device for buffering information contained in a stream of information”
58	said linear cache maintains a window that represents a time span into a past history of said data stream that includes a most recently stored portion of said data stream	“the linear cache continuously buffers a stream of information into a window that is defined by the maximum time between the newest block that has arrived in the linear cache and the oldest block held by the linear cache”
75	oldest block	“the oldest block held by the linear cache”

73, 75, 76	current block indicator	“an indication of the next block to be presented to the decoding process”
U.S. Patent No. 7,493,015		
1, 13, 17	adding a positional offset to the current position when reverse mode has been terminated or subtracting a positional offset from the current position when fast forward mode has been terminated	“adding a value to the current position to compensate for the difference in position when reverse mode has been terminated or subtracting a value from the current position to compensate for the difference in position when fast forward mode has been terminated”

P.R. 4-3(b) Proposed Constructions for Disputed Terms and Identification of Evidence

Exhibits A through C are charts that contain the parties’ proposed constructions and intrinsic and extrinsic evidence relating to their constructions. Exhibits A1-A3 provide the parties’ proposed constructions for each disputed claim term, phrase, or clause in U.S. Patent Nos. 6,233,389, 6,792,195, and 7,493,015, respectively. Exhibits B1-B3 provide TiVo’s intrinsic and extrinsic evidence relating to their constructions, while Exhibits C1-C3 provide Defendants’ intrinsic and extrinsic evidence relating to their constructions.

Patent	Parties’ Proposed Constructions	TiVo’s Evidence	Defendants’ Evidence
6,233,389	Exhibit A1	Exhibit B1	Exhibit C1
6,792,195	Exhibit A2	Exhibit B2	Exhibit C2
7,493,015	Exhibit A3	Exhibit B3	Exhibit C3

P.R. 4-3(c) Anticipated Length of Time for Claim Construction Hearing

TiVo expects that 1.5 hours will provide sufficient time to address the patents.
Defendants expect that 4 hours will be required to address the patents.

P.R. 4-3(d) Anticipated Witnesses at Claim Construction Hearing

No party will call any witnesses at the Claim Construction Hearing.

P.R. 4-3(e) Other Issues to Be Addressed at Prehearing Conference

The parties do not believe there are any other issues at this time that might be appropriately addressed at a prehearing conference prior to the Claim Construction Hearing.

Dated: June 5, 2013

Respectfully submitted,

/s/ Ben Yorks , with permission by Michael E. Jones

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 5th day of June, 2013.

/s/ Michael E. Jones